

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

360 ELECTRICAL, L.L.C.
Plaintiff,

v.

GOTTROX, LLC
Defendant.

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CIVIL ACTION NO. 2:08-CV-00044-TJW

MEMORANDUM OPINION AND ORDER

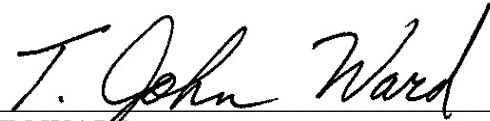
This case is currently set for jury selection on September 6, 2011. However, Defendant Gottrox LLC (“Gottrox”) is currently unrepresented in this action. The Court entered an order granting Gottrox’s previous attorneys’ Motion to Withdraw as Attorney on March 3, 2010 (Dkt. No. 46). On March 2, 2011, after the Court became aware that Gottrox had failed to obtain new counsel, the Court *sua sponte* ordered Gottrox to obtain counsel within 14 days from the date of the order (Dkt. No. 56). However, instead of obtaining counsel as directed by the Court, Mr. Peter Gottstein sent a letter to the Court stating that it was the intent of Gottrox to proceed *pro se* (Dkt. No. 58). The Court construed Mr. Gottstein’s letter as a motion to reconsider its previous order requiring Gottrox to obtain counsel and denied the motion to reconsider (Dkt. No. 59). The Court again ordered Gottrox to obtain counsel within 14 days from the entry of the order denying the motion to reconsider (Dkt. No. 59). Gottrox never obtained counsel and has failed to participate in any meaningful way in the litigation of this action, including failing to participate in the claim construction process, discovery, or pretrial procedures.

The Court, therefore, cancels the jury selection in this case currently set for September 6,

2011, and suspends all pretrial deadlines. Pending before the Court is Plaintiff 360 Electrical, LLC's ("360 Electrical") letter brief requesting leave to file a motion for summary judgment that claim 20 of U.S. Patent No. 6,196,851 is infringed by Defendant Gottrox LLC, and a motion for summary judgment that U.S. Patent No. 6,196,851 is not invalid (Dkt. No. 60). The Court GRANTS leave for 360 Electrical to file the motions requested in its letter brief. 360 Electrical must file any and all motions for summary judgment by August 15, 2011. Any responses to the motions for summary judgment must be filed by August 29, 2011.

IT IS SO ORDERED.

SIGNED this 1st day of August, 2011.

A handwritten signature in black ink, reading "T. John Ward", is written over a horizontal line.

T. JOHN WARD

UNITED STATES DISTRICT JUDGE